

## SIXTEENTH DAY.

(Saturday, May 5, 1923.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Jacks.
Amsler.	Jennings.
Arnold.	Kemble.
Atkinson.	Laird.
Avis.	Lane.
Baker of Milam.	LeMaster.
Baker of Orange.	LeStourgeon.
Baldwin.	Loftin.
Barker.	Looney.
Barrett.	McBride.
Beasley.	McDaniel.
Bell.	McDonald.
Bird.	McNatt.
Bobbitt.	Martin.
Bonham.	Maxwell.
Bryant.	Melson.
Burmeister.	Miller.
Cable.	Montgomery.
Carpenter	Moore.
of Dallas.	Morgan
Carpenter	of Liberty.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Hays.	Pate.
Coffee.	Patman.
Collins.	Patterson.
Covey.	Perdue.
Cowen.	Pool.
Crawford.	Pope.
Culp.	Potter.
Davenport.	Price.
Davis.	Purl.
DeBerry.	Quaid.
Dinkle.	Quinn.
Dodd.	Rice.
Downs.	Robinson.
Driggers.	Rogers.
Duffey.	Rowland.
Dunlap.	Russell
Dunn.	of Callahan.
Durham.	Russell of Trinity.
Edwards.	Sackett.
Fields.	Sanford.
Finlay.	Satterwhite.
Frnka.	Shires.
Fugler.	Simpson.
Gipson.	Smith.
Green.	Sparkman.
Greer.	Stell.
Hardin of Erath.	Stevens.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of McLennan.	Stiernberg.
Hendricks.	Storey.
Irwin.	Stroder.

Sweet.	Westbrook.
Teer.	Wessels.
Thompson.	Williamson.
Thrasher.	Wilmans.
Turner.	Winfree.
Wallace.	Young.
Wells.	

Absent.

Carter of Coke.	Lackey.
Chitwood.	Lamb.
Dielmann.	McFarlane.
Hardin	McKean.
of Kaufman.	Mathes.
Harrington.	Merritt.
Houston.	Pinkston.
Hughes.	Strickland.
Hull.	Vaughan.
Johnson.	

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Shearer.
Jones.	Wilson.
Lewis.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Wilson for today, on motion of Mr. Patterson.

Mr. Jones for today, on motion of Mr. Quaid.

Mr. Faubion and Mr. Shearer for today, on motion of Mr. Teer.

Mr. Howeth for today, on motion of Mr. McBride.

Mr. Lewis for today, on motion of Mr. Quaid.

Mr. Pinkston for today, on motion of Mr. Davis.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Mathes (by request):

H. B. No. 205, A bill to be entitled "An Act amending House bill No. 606, enacted into law at the Regular Session of the Thirty-eighth Legislature, by which Union Hill Independent School District in Swisher county was created, so as to increase the territory contained in said district and defining the

boundary thereof; defining more fully the powers of said district and the board of trustees; providing for the continuing in office of the trustees of Union Hill Consolidated Common School District in Swisher county as trustees of this, its immediate succeeding district; providing for an election to adjust all territory contained in said district as herein created, which may have been added to this district or to Union Hill Consolidated Common School District, to adjust any school bond taxes or special school taxes heretofore voted by Union Hill Consolidated Common School District, and for the assumption by said Union Hill Independent School District of its pro rata of taxes payable by any added territory on account of any outstanding bond issues existing against school districts of which such added territory may have heretofore formed a part; providing for the adding of additional territory by the trustees of said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Mathes (by request):

H. B. No. 206, A bill to be entitled "An Act creating the Taylor Independent School District in Swisher county, Texas; defining its boundaries and authorizing said district to add territory; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts, and naming of its first board of trustees and for the election of their successors; investing said district with all the property rights and the assumption of all obligations of the Taylor Common School District No. 19; providing for the appointment of a board of equalization and tax assessor and collector for said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Fields:

H. B. No. 207, A bill to be entitled "An Act to relieve certain schools and school districts of the State by validating certain school districts, and where such districts have undertaken to provide for the issuance of schoolhouse bonds or the levying of special taxes for any unlawful school purposes, vali-

dating such bond issues and taxes, and declaring an emergency."

Referred to Committee on Education.

By Mr. McBride and Mr. Simpson:

H. B. No. 208, A bill to be entitled "An Act authorizing the creation of mosquito control commissioners in counties upon petition of one hundred qualified voters to the commissioners court for such commission; providing the mosquito problem justifies the creation of such a commission in the opinion of the State Health Officer; commissioners to consist of three members, two of whom are practicing physicians, who receive appointment from the county commissioners court, and to serve for a period of three years; designating that the county health officer, county engineer and county school superintendent shall co-operate with the mosquito control commission; providing for appointment of vacancies; creating commission, the body politic, with power to sue and be sued; to use common seal and make by-laws; members of commission to serve without pay, except necessary expenses; no person employed by commission to be a member; each member to subscribe to an oath; providing that members shall elect their officers, and providing for the appointment of officers and employees; to make rules and regulations; prescribing that the county commissioners court shall make suitable office for meetings of commission and for the keeping of maps, plans, records and accounts, which shall be subject to inspection at all times; designating State Health Officer an ex officio of every county mosquito control commission, and conveying authority upon commission to eliminate breeding places of mosquitoes within the county; requiring said commission to file with the county commissioners court a detailed report regarding extermination of mosquitoes for the ensuing year and a plan of the work to be done and the methods to be employed, on or before the first day of November of each year; plans and methods also to be submitted to the State Health Officer, who shall have the power to prove or modify said plans, and plans and methods finally approved by him shall be forwarded to the commissioners court on or before the first day of December following this receipt; specifying that the county commissioners court shall set aside out of the general fund of the county, incorporated in their an-

nual budget, the amount of money that was recommended by the mosquito control commission, the plans of which were approved by the State Health Officer; further providing that such amount shall not exceed five mills on every dollar of assessed valuation where the assessed valuations were from ten to thirty million dollars, and not more than three mills on every dollar assessed valuation where the assessed valuations were from thirty to fifty millions or more dollars and the sum not more than ten mills where the assessed valuations were less than ten million dollars; the moneys provided in the budget shall be paid to the county control commission from time to time on requisition of said commission; requiring mosquito control commission to submit annually on or before the first day of November in every year to the commissioners court and the State Health Officer a report setting forth amount of money expended during previous year, methods employed and results accomplished, and providing an emergency."

Referred to Committee on Public Health.

By Mr. Beasley and Mr. Sparkman et al.:

H. B. No. 209, A bill to be entitled "An Act to provide additional compensation for the members of the Railroad Commission of Texas, payable one-half out of the Regulating Pipe Line Fund created by Section 11, Chapter 30, Acts of the Regular Session of the Thirty-fifth Legislature, approved February 20, 1917; and one-half out of the Gas Utilities Fund, created by Section 11, Chapter 14, Acts of the Third Called Session of the Thirty-sixth Legislature, approved June 12, 1920, said sums to be paid in monthly installments by warrants drawn by the State Comptroller on the State Treasurer, as provided in said acts for other salaries and expenses, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Culp:

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355, of the Revised Civil Statutes of Texas, 1911, providing for an occupation tax on coin operated vending machines, such as phonographs, electrical piano, electrical battery, graphophone, weighing machine or other like machines or instruments where a fee is

charged, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Barrett:

H. B. No. 211, A bill to be entitled "An Act to create the Roscoe Independent School District in Nolan county, Texas, including the present Roscoe Independent School District; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas for school purposes only; providing that the board of trustees of the present Roscoe Independent School District shall continue to act as such until their successors are elected in accordance with the provisions of this act and the general laws of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Beasley:

H. B. No. 212, A bill to be entitled "An Act to repeal Section 23, Chapter 47, General Laws, passed at the Regular Session of the Thirty-second Legislature, requiring manufacturers of food and drugs doing business in the State of Texas, and all persons bringing into and offering for sale within this State any article of food or drugs to register their firm names and addresses with the Dairy and Food Commissioner and to pay a fee of one dollar for such registration; and to amend Section 4 of said Chapter 47 so as to include the word 'saccharin,' and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Martin:

H. B. No. 213, A bill to be entitled "An Act enlarging Woodson Independent School District of Throckmorton and Stephens counties; defining the boundaries and prescribing the powers thereof; and for the assumption by said district of the bonded indebtedness now existing against the present Woodson Independent School District and for adjusting the territory of said district as enlarged to such special taxes as may have been voted by the present said district."

Referred to Committee on School Districts.

By Mr. Culp:

H. B. No. 214, A bill to be entitled "An Act amending Articles 4521 and 4522 of the Revised Civil Statutes relating to the State Board of Health and the State Health Department; providing for the State Board of Health to be composed of seven licensed physicians, which board will have power to appoint the State Health Officer; prescribing the salary of the State Health Officer and the State Board of Health; prescribing the compensation of the members of the State Board of Health, the State Health Officer and the heads of bureaus of the State Health Department; enacting provisions to improve the State Health Department, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Mathes:

H. B. No. 215, A bill to be entitled "An Act validating Common School District No. 11, Bailey county, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Mathes:

H. B. No. 216, A bill to be entitled "An Act extending the boundary of and adding territory to Happy Independent School District in Randall and Swisher counties as heretofore created by Chapter 23 of the Acts of the Thirty-fourth Legislature, as amended by Chapter 2 of the Acts of the First Called Session of the Thirty-fourth Legislature; defining the boundaries of said district as here extended; continuing the present board of trustees of said district in office for the remainder of their respective terms and until their successors shall have been duly elected and qualified; providing for an election to adjust the territory added to such district, and taxes which may now be levied upon the said independent school district of the pro rata of the taxes payable upon the property contained in such added territory on account of any outstanding bond issues which may exist against such territory, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Melson, Mr. Westbrook, Mr. Bell, Mr. Patterson, Mr. Dunn and Mr. Greer:

H. B. No. 217, A bill to be entitled "An Act creating an Illiteracy Commission for Texas, defining the powers and duties of said commission, and making an appropriation for the work to be carried on under the direction of said commission, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Martin:

H. B. No. 218, A bill to be entitled "An Act creating Westover Independent School District of Baylor county; defining the powers of said district; providing for the organization of said district; providing for the election to determine whether the several outstanding obligations which may exist against the several portions of territory embraced in this district shall be assumed in whole and pro rata by this district and taxes levied upon the property of this district to provide for such indebtedness and the pro rata thereof, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Smith:

H. B. No. 219, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Hardin of Erath:

H. B. No. 220, A bill to be entitled "An Act to amend Chapter 10 of Title 48 of the Revised Civil Statutes of 1911 relating to the powers and duties of the State Board of Education with reference to the purchase of bonds for the account of the State Permanent School Fund by adding to said chapter immediately after Article 2740 a new article to be known as Article 2740a, and validating the purchase of bonds by the State Board of Education purchased on deferred payments of the purchase price as of the time of the payment of the first installment thereon and prescribing certain duties of the State Board of Education, the State Treasurer and the State Comptroller of Public Accounts with reference to allowing credits on

certain interest coupons by reason of deferred payments of the purchase price thereof and limiting the provisions of this act to bonds purchased subsequent to September 1, 1920; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Moore and Mr. Harris:

H. B. No. 221, A bill to be entitled "An Act providing for the creation of the office of county superintendent of public instruction, providing for the election of a county superintendent, prescribing qualifications of the person holding the office, providing for filling vacancies in the office and specifically repealing Article 2750, Revised Statutes, 1911, and any part of the act of the Thirty-sixth Legislature, Third Called Session, Chapter 57, and any other law or parts of laws which may be in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

#### BILLS RE-REFERRED.

On motion of Mr. Stewart of Reeves, House bills Nos. 182, 183 and 184 were withdrawn from the Committee on Banks and Banking and referred to the Committee on Agriculture.

On motion of Mr. Greer, House bill No. 44 was withdrawn from the Committee on Education and referred to the Committee on Appropriations.

On motion of Mr. Harris, House bill No. 159 was withdrawn from the Committee on Labor and referred to the Committee on Education.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Burmeister, House bill No. 139 was ordered not printed.

On motion of Mr. Bonham, House bills Nos. 154 and 156 were ordered not printed.

On motion of Mr. Lane, House bill No. 127 was ordered not printed.

On motion of Mr. Barrett, House bills Nos. 150, 151, 132, 133, 135, 136, 137, 180, 176, 172, 144, 161, 165, 157, 188, 87 and 178 were ordered not printed.

On motion of Mr. Carpenter of Matagorda, Senate bill No. 34 was ordered not printed.

On motion of Mr. Wells, House bill No. 138 was ordered not printed.

#### RELATING TO INVESTIGATING THE STANDARD OIL COMPANY.

The Speaker laid before the House, as unfinished business, for consideration at this time,

H. C. R. No. 9, Relating to Standard Oil Company.

The resolution having been read second time on yesterday.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—54.

Arnold.	McBride.
Baker of Milam.	McDaniel.
Baker of Orange.	McDonald.
Beasley.	Mathes.
Bobbitt.	Melson.
Bonham.	Montgomery.
Burmeister.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Pope.
Carter of Hays.	Potter.
Coffee.	Quinn.
Dinkle.	Rice.
Dodd.	Russell of Trinity.
Driggers.	Shires.
Dunlap.	Simpson.
Dunn.	Smith.
Fields.	Sparkman.
Fugler.	Stell.
Gipson.	Stewart of Reeves.
Greer.	Stroder.
Hardin of Erath.	Thrasher.
Hendricks.	Wells.
Irwin.	Westbrook.
Jacks.	Williamson.
Laird.	Wilmans.
Lane.	Winfree.
LeSturgeon.	Young.

Nays—44.

Abney.	Harris.
Amsler.	Henderson
Barker.	of Marion.
Barrett.	Henderson
Bell.	of McLennan.
Bird.	LeMaster.
Cable.	Looney.
Collins.	McNatt.
Covey.	Martin.
Cowen.	Miller.
Crawford.	Patman.
Davenport.	Patterson.
Davis.	Perdue.
DeBerry.	Price.
Downs.	Quaid.
Duffey.	Rogers.
Durham.	Rowland.
Frnka.	Sanford.
Green.	Satterwhite.

Stevens.	Thompson.
Stewart of Jasper.	Turner.
Stiernberg.	Wallace.
Storey.	Wessels.
Teer.	

Present—Not Voting.

Mr. Speaker.	Jennings.
Bryant.	

Absent.

Atkinson.	Loftin.
Avis.	McFarlane.
Baldwin.	McKean.
Carpenter	Maxwell.
of Dallas.	Merritt.
Carter of Coke.	Morgan
Chitwood.	of Robertson.
Culp.	Pate.
Dielmann.	Pinkston.
Edwards.	Pool.
Finlay.	Purl.
Hardin	Robinson.
of Kaufman.	Russell
Harrington.	of Callahan.
Houston.	Sackett.
Hughes.	Stewart
Hull.	of Edwards.
Johnson.	Strickland.
Kemble.	Sweet.
Lackey.	Vaughan.
Lamb.	

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Shearer.
Jones.	Wilson.
Lewis.	

RELATING TO SALE OF DRINKS,  
ETC., IN CAPITOL BUILDING.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 16, Relating to sale of drinks, etc., in Capitol and Office Building; providing for the continuance of the concession now being exercised by Arthur Nichols in the State Capitol Building, and Oscar Raines in the State Office Building, for the sale of pies, cakes, sandwiches, drinks, candies, cigars and other miscellaneous articles.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring:

Whereas, Arthur Nichols has for some time satisfactorily served those in the State Capitol Building, and Oscar Raines has likewise served those in the State Office Building; and

Whereas, Their places are and have been conducted in a sanitary and clean manner and they have been courteous

and accommodating to all; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the said Arthur Nichols and Oscar Raines be permitted to continue, as heretofore, conducting their said stands for the sale of such articles and drinks and similar articles and drinks, and the Board of Control is hereby requested and directed to give the said Nichols and Raines continued permission for the sale of such articles and drinks, including pies, cakes, sandwiches, cigars, milk, drinks and other articles of merchandise usually sold in such stands for which there may be demand.

The resolution was read second time and was adopted.

RELATING TO REPRESENTATION  
IN CONGRESS.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 13, Relating to representation in Congress.

Whereas, The Constitution of the United States of America guarantees to the several States representation in the Congress of the United States, based upon the population of States, such population fixed and determined by a census which the Constitution of the United States requires shall be taken every ten years; and

Whereas, Based upon the census of 1910, Congress passed the Apportionment Act, which became effective March 4, 1913, for a ten-year period, and in that act the number of representatives in the Lower House of Congress was fixed at four hundred thirty-five, and eighteen were allotted to Texas; but since that time there has been another census taken, to wit: the census of 1920, and no new apportionment act has been passed by Congress, and the Congressional Record, based upon the official census of 1920, shows the representative population of the United States to be 15,371,598, and the representative population of Texas to be 4,663,288. For the Sixty-eighth Congress four hundred thirty-five members having been certified, no new apportionment having been made based on the census of 1920. The present, or Sixty-eighth Congress, came into existence on March 4, 1923, the term to which Hon. E. W. Cole was elected. The membership of the House has not been changed, and still remains four hundred thirty-five. The popula-

tion of the United States has changed, and the proportion which the population of Texas bears to the representative population of the whole United States entitles this State to nineteen representatives in the Lower House of Congress. The Constitution of the United States gives to each State the right to equal representation, based upon the last census, and the taking of that census every ten years is mandatory under the Constitution, and the Congress of the United States cannot by merely failing to act, deny the State its proper representation in that body; and

Whereas, The Hon. E. W. Cole of Austin, Texas, submitted his name to the primary election of his party in 1922, was approved by the executive committee of his party, and voted on in the general primary election in July of that year, having received practically the unanimous vote of the party in that primary; and subsequent thereto the Governor of Texas issued his proclamation calling for the election of a Congressman-at-Large from this State, in the November general election of 1922, and the name of the said Hon. E. W. Cole was included on the ballot as a candidate for the place of Congressman-at-Large from Texas, he being the nominee of the Democratic party, and the name of Hon. Herbert Peairs was included on that ballot as the representative candidate for the Republican party and in said general election of 1922 the Hon. E. W. Cole received 265,317 votes and the Hon. Herbert Peairs received 46,048 votes, and the said Hon. E. W. Cole was thereby duly elected as Congressman-at-Large from the State of Texas, and the election board of the State of Texas so declared, and the Governor of Texas has signed, issued and delivered a certificate of election to the said E. W. Cole as Congressman-at-Large from Texas; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the House of Representatives of the United States Congress be, and it is hereby petitioned and asked by the Legislature of Texas, to grant to this State the right to be represented in the Lower House of the National Congress by nineteen members, and that the Hon. E. W. Cole of Austin, Texas, having been duly elected from this State as a Congressman-at-Large, be seated in that honorable body.

Resolved further, That the Chief Clerk of the House of Representatives and the

Secretary of the Senate be instructed to certify and deliver a copy of this resolution to the Speaker of the House of Representatives of the Congress of the United States.

The resolution was read second time and was adopted.

#### RELATING TO STATE IRON INDUSTRY.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 14, Relating to State's iron industry.

Whereas, Under the provisions of H. C. R. No. 22, approved April 4, 1917, H. C. R. No. 43, approved March 15, 1919, and H. C. R. No. 11, filed in the office of the Secretary of State July 16, 1919, tender of first payment on purchase of the State's iron industry at Rusk, Texas, was made to the Prison Commission on behalf of L. P. Featherstone, the purchaser, on December 31, 1919, and pursuant thereto sale thereof was made to L. P. Featherstone by the Prison Commission, with the approval of the Attorney General and the Governor of Texas, as evidenced by their deed to L. P. Featherstone, dated March 16, 1920; and

Whereas, Said sale was made in consideration of the payment of twenty-eight thousand, one hundred and twenty-five (\$28,125) dollars in cash, before delivery of said deed, and the sum of eighty-four thousand, three hundred and seventy-five (\$84,375) dollars, evidenced by three (3) promissory notes of even date with said deed for the sum of twenty-eight thousand, one hundred and twenty-five (\$28,125) dollars each, executed by the said L. P. Featherstone, said notes being due and payable respectively one (1) year, eighteen (18) months, and two (2) years after their date, with interest at six (6) per cent per annum, and said notes containing provisions for maturity in case of default, and to secure payment of said notes, as well as the performance of the other terms and conditions of said sale, said L. P. Featherstone executed and delivered a bond in the sum of one hundred thousand (\$100,000) dollars in favor of the State of Texas, with the following sureties thereon: S. G. Burnett, C. T. Heisig, Joe Rosenthal, H. A. Perlstein, Ed Paggi, Hal G. Land, B. A. Steinhagen and Jno. L. Keith, all of Beaumont, Texas; and

•Whereas, Said property has been conveyed by L. P. Featherstone to R. S. Collins and W. H. Lantz, receivers of Texas Steel Company; and

Whereas, The said L. P. Featherstone and Ed Paggi are both now dead; and

Whereas, Said property was conveyed by the said L. P. Featherstone before his death to R. S. Collins and W. H. Lantz, receivers of the Texas Steel Company; and

Whereas, Said receivers of said Texas Steel Company and the above named bondsmen are not now prepared to make payment of the above mentioned described indebtedness and will not be at its maturity, which will become due on September 16, 1923, and September 16, 1924, but the above sureties on said bond have made full payment of said first mentioned note, together with all interest thereon as well as the interest on the two notes which are yet unpaid; and

Whereas, The said receivers of the Texas Steel Company and the said sureties on the L. P. Featherstone, deceased, note or bond have expressed desire, owing to the extreme business depression and financial stringency at present prevailing, and because of lack of labor to operate the steel industry, to have the maturity of the second and third notes above described extended for a period of two years so that the second of said notes will mature on September 16, 1924, and the third of said notes will mature on September 16, 1925; now, therefore, be it

Resolved by the Senate of the Thirty-eighth Legislature, the House of Representatives concurring, That the Governor and Prison Commission be and are hereby requested and directed to extend the date of maturity of said notes from their present maturity date to September 16, 1925, and September 16, 1926, conditioned upon the prompt payment of all interest upon said notes as same accrues and becomes payable annually, and conditioned further upon the said sureties upon said bond or note executed and delivered to the Prison Commission an instrument in writing consenting and agreeing to the aforesaid extension; and it being expressly stipulated that the aforesaid extension shall not be granted except on full compliance with the foregoing conditions, and shall not release the sureties on the original obligation, and provided such extension agreement shall be prepared and ap-

proved by the Attorney General of the State of Texas.

The resolution was read second time.

On motion of Mr. Beasley, the resolution was referred to the Committee on Penitentiaries.

#### HOUSE BILL NO. 69 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 69, A bill to be entitled "An Act extending oil and gas permits on lands which are now or have been in the possession or under the control of the Federal receiver appointed by the Supreme Court of the United States for such periods of time, respectively, as such lands have been or may be in such receiver's possession or under his control, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 69 ON THIRD READING.

Mr. Carpenter of Dallas moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—87.

Mr. Speaker.	Downs.
Abney.	Driggers.
Amsler.	Duffey.
Arnold.	Dunn.
Avis.	Durham.
Baker of Milam.	Frnka.
Baker of Orange.	Gipson.
Barker.	Green.
Barrett.	Greer.
Beasley.	Hardin of Erath.
Bell.	Henderson
Burmeister.	of Marion.
Carpenter	Henderson
of Dallas.	of McLennan.
Carson.	Hendricks.
Coffee.	Irwin.
Covey.	Jennings.
Cowen.	Lane.
Crawford.	LeMaster.
Culp.	LeSturgeon.
Davenport.	McBride.
DeBerry.	McDaniel.
Dinkle.	McDonald.
Dodd.	McNatt.



Martin.	Sackett.
Maxwell.	Sanford.
Melson.	Satterwhite.
Miller.	Shires.
Montgomery.	Simpson.
Moore.	Sparkman.
Pate.	Stell.
Patman.	Stewart of Jasper.
Patterson.	Stewart of Reeves.
Perdue.	Stiernberg.
Pope.	Storey.
Potter.	Stroder.
Price.	Sweet.
Quaid.	Teer.
Quinn.	Thompson.
Rice.	Turner.
Robinson.	Wells.
Rogers.	Westbrook.
Rowland.	Wessels.
Russell	Williamson.
of Callahan.	Wilmans.
Russell of Trinity.	Winfree.

## Nays—10.

Atkinson.	Laird.
Bryant.	Looney.
Cable.	Stevens.
Carter of Hays.	Wallace.
Davis.	Young.

## Present—Not Voting.

Harris.	Mathes.
Jacks.	

## Absent.

Baldwin.	Johnson.
Bird.	Kemble.
Bobbitt.	Lackey.
Bonham.	Lamb.
Carpenter	Loftin.
of Matagorda.	McFarlane.
Carter of Coke.	McKean.
Chitwood.	Merritt.
Collins.	Morgan
Dielmann.	of Liberty.
Dunlap.	Morgan
Edwards.	of Robertson.
Fields.	Pinkston.
Finlay.	Pool.
Fugler.	Purl.
Hardin	Smith.
of Kaufman.	Stewart
Harrington.	of Edwards.
Houston.	Strickland.
Hughes.	Thrasher.
Hull.	Vaughan.

## Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Shearer.
Jones.	Wilson.
Lewis.	

The Speaker then laid House bill No.

69 before the House, on its third reading and final passage.

The bill was read third time and was passed.

Mr. Burmeister moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

## HOUSE BILL NO. 32 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 32, A bill to be entitled "An Act providing for the levy and collection of income taxes upon individuals, firms, co-partnerships, corporations, joint stock companies and associations residing or doing business within the State of Texas, and upon non-residents having income from property located in or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; providing for exemptions of amounts or parts of incomes, such exemptions to be excepted from said tax; providing for county income assessors and county income tax collectors; providing for the making of income tax reports and returns by individuals, companies, co-partnerships and associations; providing for the compensation of county income assessors and county income tax collectors; providing for the disposition of the revenues arising under the provisions of this act; designating what shall constitute income, coming under the provisions of this act, and allowing such reduction from gross income for the purpose of calculating net income; providing for the appointment of supervisors and assistants required for the proper administration of the provisions hereof; making an appropriation for the purpose of carrying into effect the provisions of this act, and declaring an emergency."

The bill was read second time.

Mr. Dinkle offered the following (committee) amendments to the bill:

## Committee Amendment No. 1.

Amend House bill No. 32 by inserting after Section 21 a new section to be numbered Section 21a to read as follows:

"Section 21a. Any person, firm, co-partnership, corporation, company or association subject to the provisions of

this act, having paid any State or county-wide ad valorem taxes accruing during the current year for which income taxes are assessed, may present the proper receipt therefor, signed by the county tax collector, to be credited at its full amount in payment of income taxes assessed during said year; provided that persons, firms, corporations, companies and associations subject to the provisions of Chapter 4, Title 126, of the Revised Civil Statutes of the State of Texas of 1911, known as the Intangible Tax Law, or any amendment thereto, shall not be subject to the provisions of this act; and provided further, that persons, firms, corporations, companies and associations engaged in any business in this State subject to the payment of a tax based upon their gross receipts shall be subject to the provisions of this act to the extent only upon such portion of their income as may be derived from sources other than those subject to the levy of tax upon gross receipts."

#### Committee Amendment No. 2.

Amend House bill No. 32, page 6, Section 7, subdivision a, by striking out the word "60 dollars" and inserting in lieu thereof the words "fifteen hundred dollars"; also amend subdivision b of said section by striking out the words "eighteen hundred dollars" and insert in lieu thereof the word "three hundred dollars."

#### Committee Amendment No. 3.

Amend House bill No. 32, subdivision d, Section 7, page 6, by striking out of lines 13 and 14 the following: "and the income of each child under eighteen years of age."

#### Committee Amendment No. 4.

Amend House bill No. 32, page 6, Section 7, by striking out all of subdivision g.

#### Committee Amendment No. 5.

Amend House bill No. 32, Section 8, pages 6 and 7, by striking out subdivisions a, b, c, d, e, f, g, h, i, j and k, and insert in lieu thereof the following: "Upon all taxable incomes up to and inclusive of five thousand dollars at the rate of 2 per cent. Upon all taxable income in excess of five thousand dollars at the rate of 3 per cent."

#### Committee Amendment No. 6.

Amend House bill No. 32, page 8, by

striking out of line 24 the words "and each child under 18 years of age."

#### Committee Amendment No. 7.

Amend House bill No. 32, page 14, Section 18, by striking out all after the words "apportionment of revenue" and insert in lieu thereof the following: "within thirty days after collection is made of any income taxes arising under the provisions of this act, the collectors thereof shall remit the same to the Treasurer of the State of Texas to be paid into the general revenue of the State."

#### Committee Amendment No. 8.

Amend House bill No. 32, Section 9, page 7, by inserting at the beginning of said section the following: "Under the direction and supervision of the State Tax Commissioner."

#### Committee Amendment No. 9.

Amend the caption of House bill No. 32 by inserting after the semicolon preceding the word "providing" in line 23 of said caption the following: 'Providing that persons, firms, corporations, companies and associations subject to the provisions of Chapter 4, Title 126, of the Revised Civil Statutes of Texas or any amendment thereto shall not be subject to the provisions of this act; providing that persons, corporations, companies and associations engaged in business in this State subject to a tax based upon their gross receipts shall be subject to the provisions of this act to the extent only upon such portion of their income as may be derived from sources other than those subject to the levy of the tax upon gross receipts; providing that persons, firms, co-partnerships, corporations, companies or associations subject to the provisions of this act, having paid any State or county-wide ad valorem taxes accruing during any current year for which income taxes are assessed may receive credit upon their income tax assessed during said year for the amount of such ad valorem taxes paid.'

Mr. Bell offered the following amendment to the (committee) amendment No. 1:

Amend (committee) amendment No. 1 of House bill No. 32 by striking out the words "or county-wide" in line 17, page 16.

The amendment to the amendment was adopted.

Mr. Patterson offered the following

amendment to the (committee) amendment No. 1:

Amend (committee) amendment No. 1 to House bill No. 32 by striking out all after the words "said year" in line 21, page 16, and beginning with the word "provided."

The amendment was adopted.

Question then recurring on (committee) amendment No. 1 as amended, it was adopted.

Mr. Fields offered the following substitute for (committee) amendment No. 2:

Amend House bill No. 32, page 7, Section 7, subdivision "A" by striking out the figures "nine hundred (\$900) dollars" and inserting in lieu thereof the words "fifteen hundred (\$1500) dollars"; also amend subdivision "B" of said section by striking out the words "eighteen hundred dollars" and insert in lieu thereof the words "three thousand (\$3000) dollars." Also amend subdivision "C" by striking out after the words "two hundred (\$200) dollars" and substituting the words "four hundred (\$400) dollars"; and subdivision "D" by striking out the words "two hundred (\$200) dollars" and inserting the words "four hundred (\$400) dollars."

The substitute was adopted.

Mr. Jacks offered the following amendment to (committee) amendment No. 2:

Amend House bill No. 32, page 6, Section 7, subdivision a, by striking out the words "900 dollars" and inserting in lieu thereof the words "twenty-four hundred dollars"; also amend subdivision b of said section by striking out the words "eighteen hundred dollars" and insert in lieu thereof the words "thirty-six hundred dollars."

Mr. Bell moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—65.

Amsler.	Carpenter
Atkinson.	of Dallas.
Avis.	Carpenter
Baldwin.	of Matagorda.
Barker.	Carter of Hays.
Beasley.	Cowen.
Bell.	Crawford.
Bonham.	Davis.
Bryant.	DeBerry.
Cable.	Dinkle.

Dodd.	Price.
Downs.	Quaid.
Driggers.	Rice.
Duffey.	Robinson.
Dunlap.	Rowland.
Dunn.	Sackett.
Durham.	Sanford.
Edwards.	Satterwhite.
Fugler.	Simpson.
Gipson.	Sparkman.
Greer.	Stell.
Harris.	Stevens.
Laird.	Stewart
Lane.	of Edwards.
McBride.	Stewart of Jasper.
McDaniel.	Stewart of Reeves.
McDonald.	Stiernberg.
McNatt.	Stroder.
Mathes.	Sweet.
Maxwell.	Teer.
Moore.	Thompson.
Pate.	Turner.
Patterson.	Westbrook.
Perdue.	Wilmons.

#### Nays—41.

Abney.	Looney.
Arnold.	Martin.
Baker of Milam.	Miller.
Baker of Orange.	Montgomery.
Barrett.	Morgan
Bird.	of Liberty.
Burmeister.	Patman.
Carson.	Pool.
Collins.	Pope.
Covey.	Potter.
Davenport.	Purl.
Fields.	Rogers.
Green.	Russell
Henderson	of Callahan.
of Marion.	Russell of Trinity.
Henderson	Thrasher.
of McLennan.	Wallace.
Hendricks.	Wells.
Irwin.	Wessels.
Jacks.	Williamson.
Jennings.	Winfree.
Kemble.	Young.
LeMaster.	

#### Present—Not Voting.

Mr. Speaker.

#### Absent.

Bobbitt.	Houston.
Carter of Coke.	Hughes.
Chitwood.	Hull.
Culp.	Johnson.
Dielmann.	Lackey.
Finlay.	Lamb.
Frnka.	Loftin.
Hardin of Erath.	McFarlane.
Hardin	McKean.
of Kaufman.	Melson.
Harrington.	Merritt.

Morgan	Storey.
of Robertson.	Strickland.
Quinn.	Vaughan.
Shires.	Wilson.
Smith.	

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	

Paired.

Mr. LeSturgeon (present), who would vote "yea," with Mr. Coffee (absent), who would vote "nay."

Question then recurring on (committee) amendment No. 2, it was adopted.

On motion of Mr. Gipson (committee) amendment No. 3 was postponed temporarily.

Question then recurring on (committee) amendments Nos. 4 and 5, they were severally adopted.

Mr. Harris offered the following substitute for (committee) amendment No. 7:

Amend House bill No. 32, page 14, Section 18, line 3, by striking out the word "seventy-five" and insert in lieu thereof of the word "twenty-five."

On motion of Mr. Dinkle, the substitute was tabled.

Question then recurring on (committee) amendment No. 7, it was adopted.

Mr. Patman offered the following substitute for (committee) amendment No. 8:

Amend House bill No. 32, page 7, by striking out all of Section 9.

Question recurring on the substitute, it was lost.

Question then recurring on (committee) amendment No. 8, it was adopted.

On motion of Mr. Stiernberg, (committee) amendments Nos. 3 and 6 were tabled.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 32 by striking out all after the enacting clause and insert the following:

Section 1. There shall be assessed, levied, collected and paid to the State of Texas an income tax equal to twenty per cent of the income tax assessed by the Federal government against every person residing within the State and assessed by the Federal government against every non-resident of the State, upon

income derived from property located or business transacted within the State.

Sec. 2. The tax authorized to be assessed, levied, collected and paid by this act shall be for each calendar year, beginning with the year 1923 and for each year thereafter.

Sec. 3. The term "person" as used in this act shall mean and include any individual, firm, copartnership and every corporation, joint stock company or association organized for profit, and having a capital stock represented by shares or other evidence of interest or ownership.

Sec. 4. The State Tax Commissioner of the State of Texas shall on the 1st day of September, 1924, and annually thereafter, secure from the Internal Revenue Collector of the State of Texas for the United States government, or otherwise as to said Tax Commissioner shall be most convenient and inexpensive, a complete list of all persons, as said term is herein used, against whom any income tax has been levied by the United States government for the preceding calendar year, and said Tax Commissioner of the State of Texas shall assess against each of said persons twenty per cent of the amount of said tax so assessed against each of said persons by the United States government, and shall list said persons residing within the State and mail to the county tax collector in each county a complete list of such persons residing in said county with a statement of the amount of tax so assessed against each person, with instructions that said county tax collector collect such taxes and remit same on blanks to be furnished by said Tax Commissioner, direct by said county tax collector to the Comptroller and State Treasury as other taxes are now remitted by said tax collector. Said State Tax Commissioner shall notify all non-residents of the State of Texas, against whom any such tax is levied, the amount of tax so due and said Tax Commissioner shall collect such tax from said non-resident taxpayers and make remittance of same on blanks direct to the Comptroller and to the State Treasury as is now required for reports and transfer money by county tax collectors.

Sec. 5. The State Tax Commissioner shall provide the necessary receipts to be issued by the various tax collectors as herein provided upon payment of said income tax.

Sec. 6. The tax as herein provided shall be due and payable as other State

ad valorem taxes and subject to the same penalties and interest for default in payment and if same becomes delinquent the machinery for collecting other delinquent State ad valorem taxes shall be used to enforce collection thereof.

Sec. 7. The fact that the public service is in need of additional revenue creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

#### EXPRESSION OF SYMPATHY.

Mr. Satterwhite moved that the Chief Clerk of the House be instructed to wire a message of sympathy to the family of ex-Lieutenant Governor W. A. Johnson, the House having just learned of his death.

The motion was adopted by a rising vote.

#### RECESS.

Mr. Pope moved that the House recess to 1:30 o'clock p. m. today.

Mr. Moore moved that the House recess to 2 o'clock p. m. today.

The motion of Mr. Moore prevailed, and the House accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 32 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 32, levying an income tax, on its passage to engrossment, with amendment by Mr. Pope pending.

Mr. LeMaster offered the following amendment to the bill:

Amend House bill No. 32 by striking out the enacting clause.

Mr. Patman moved a call of the House for the purpose of securing and maintaining a quorum pending consideration of House bill No. 32 and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no mem-

ber would be permitted to leave the Hall without written permission from the Speaker.

Mr. Patman moved that the Sergeant-at-Arms be instructed to bring in all absentees within the city.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—45.

Abney.	Lane.
Arrold.	LeMaster.
Atkinson.	Looney.
Avis.	McBride.
Baker of Milam.	McDaniel.
Barker.	McNatt.
Bell.	Maxwell.
Bird.	Morgan
Bobbitt.	of Liberty.
Bonham.	Pate.
Carpenter	Patman.
of Dallas.	Perdue.
Carson.	Rogers.
Carter of Hays.	Sackett.
Davis.	Shires.
DeBerry.	Simpson.
Dinkle.	Stevens.
Downs.	Stewart
Duffey.	of Edwards.
Durham.	Stewart of Jasper.
Fields.	Stewart of Reeves.
Green.	Sweet.
Greer.	Turner.
Henderson	Wilmans.
of Marion.	Young.
Irwin.	

Nays—9.

Baker of Orange.	Stiernberg.
Hendricks.	Storey.
Jacks.	Wells.
Laird.	Winfree.
Pool.	

Absent.

Amsler.	Driggers.
Baldwin.	Dunlap.
Barrett.	Dunn.
Beasley.	Edwards.
Bryant.	Finlay.
Burmeister.	Frnka.
Cable.	Fugler.
Carpenter	Gipson.
of Matagorda.	Hardin of Erath.
Carter of Coke.	Hardin
Chitwood.	of Kaufman.
Coffee.	Harrington.
Collins.	Harris.
Covey.	Henderson
Cowen.	of McLennan.
Crawford.	Houston.
Culp.	Hughes.
Davenport.	Hull.
Dielmann.	Jennings.
Dodd.	Johnson.

Kemble.	Quinn.
Lackey.	Rice.
Lamb.	Robinson.
LeStourgeon.	Rowland.
Loftin.	Russell
McDonald.	of Callahan.
McFarlane.	Russell of Trinity.
McKean.	Sanford.
Martin.	Satterwhite.
Mathes.	Smith.
Melson.	Sparkman.
Merritt.	Stell.
Miller.	Strickland.
Montgomery.	Stroder.
Moore.	Teer.
Morgan	Thompson.
of Robertson.	Thrasher.
Patterson.	Vaughan.
Pope.	Wallace.
Potter.	Westbrook.
Price.	Wessels.
Purl.	Williamson.
Quaid.	

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	Wilson.

The roll was called and developed the fact that there was not a quorum present.

Mr. Stewart of Edwards moved that the House adjourn until 9:30 o'clock a. m. next Monday, and the motion was lost.

Mr. Jacks moved that the House adjourn until 10 o'clock a. m. next Monday, and the motion was lost.

The roll was again called and a quorum was announced present.

Mr. Carpenter of Dallas moved to table the amendment by Mr. LeMaster.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—72.

Amsler.	Carpenter
Arnold.	of Matagorda.
Atkinson.	Carter of Hays.
Baldwin.	Coffee.
Barker.	Crawford.
Barrett.	Davis.
Beasley.	DeBerry.
Bell.	Dinkle.
Bobbitt.	Dodd.
Bonham.	Driggers.
Bryant.	Duffey.
Cable.	Dunlap.
Carpenter	Durham.
of Dallas.	Edwards.

Gipson.	Quinn.
Green.	Rice.
Hardin of Erath.	Robinson.
Jennings.	Rogers.
Kemble.	Rowland.
Laird.	Russell
Lane.	of Callahan.
McBride.	Russell of Trinity.
McDonald.	Sackett.
McNatt.	Sanford.
Martin.	Satterwhite.
Mathes.	Simpson.
Maxwell.	Sparkman.
Melson.	Stell.
Moore.	Stevens.
Morgan	Stewart
of Liberty.	of Edwards.
Morgan	Stewart of Reeves.
of Robertson.	Stroder.
Patman.	Sweet.
Perdue.	Teer.
Pool.	Thompson.
Pope.	Wells.
Price.	Westbrook.
Quaid.	Wilmans.

Nays—32.

Abney.	LeMaster.
Avis.	McDaniel.
Baker of Milam.	Miller.
Baker of Orange.	Montgomery.
Bird.	Pate.
Burmeister.	Patterson.
Carson.	Potter.
Collins.	Shires.
Covey.	Smith.
Cowen.	Stewart of Jasper.
Downs.	Stiernberg.
Fields.	Storey.
Greer.	Turner.
Henderson	Wallace.
of Marion.	Wessels.
Irwin.	Winfree.
Jacks.	Young.

Present—Not Voting.

Mr. Speaker.

Absent.

Carter of Coke.	Hughes.
Chitwood.	Hull.
Culp.	Johnson.
Davenport.	Lackey.
Dielmann.	Lamb.
Dunn.	LeStourgeon.
Finlay.	Loftin.
Frnka.	Looney.
Fugler.	McFarlane.
Hardin	McKean.
of Kaufman.	Merritt.
Harrington.	Purl.
Harris.	Strickland.
Henderson	Thrasher.
of McLennan.	Vaughan.
Hendricks.	Williamson.
Houston.	

## Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	Wilson.

Mr. Abney offered the following amendment to the amendment by Mr. Pope:

Amend substitute for House bill No. 32 by striking therefrom the words "twenty per cent" wherever the same appear and insert in lieu thereof the words "thirty per cent," and add to Section 4 the following: "Provided, that persons, firms, co-partnerships, corporations, companies or associations subject to the provisions of this act, having paid to the State of Texas any State ad valorem taxes accruing during any current year for which income taxes are assessed, shall receive credit upon their income tax assessed during said year for the amount of such ad valorem taxes paid, and the tax collector shall deduct from the amount assessed against each income tax payer the amount of ad valorem taxes paid by such tax payer to the State of Texas, for the current year for which the income tax is assessed."

Mr. Quaid offered the following substitute for the amendment:

Substitute amendment to the amendment to House bill No. 32 by striking out "twenty per cent" wherever found and insert "ten per cent."

Mr. Jacks moved the previous question on the amendment, substitute, and the bill and the motion was not seconded.

Question recurring on the substitute by Mr. Quaid, yeas and nays were demanded.

The substitute was lost by the following vote:

## Yeas—38.

Arnold.	Henderson
Avis.	of Marion.
Baker of Milam.	Irwin.
Baker of Orange.	Jacks.
Barrett.	Kemble.
Bonham.	LeMaster.
Collins.	McNatt.
Covey.	Miller.
Culp.	Montgomery.
Dodd.	Moore.
Dunlap.	Patman.
Green.	Patterson.
Greer.	Pool.
Harris.	Potter.

Price.  
Quaid.  
Quinn.  
Russell  
of Callahan.  
Smith.

Sparkman.  
Stell.  
Stroder.  
Westbrook.  
Wilmans.  
Winfree.

## Nays—62.

Abney.	McDaniel.
Amsler.	McDonald.
Atkinson.	Martin.
Baldwin.	Mathes.
Barker.	Maxwell.
Beasley.	Melson.
Bell.	Morgan
Bird.	of Liberty.
Bobbitt.	Morgan
Bryant.	of Robertson.
Burmeister.	Pate.
Cable.	Perdue.
Carpenter	Rice.
of Dallas.	Robinson.
Carpenter	Rogers.
of Matagorda.	Rowland.
Carson.	Russell of Trinity.
Carter of Hays.	Sackett.
Coffee.	Sanford.
Cowen.	Satterwhite.
Crawford.	Shires.
Davis.	Simpson.
DeBerry.	Stevens.
Downs.	Stewart
Driggers.	of Edwards.
Duffey.	Stewart of Jasper.
Durham.	Stewart of Reeves.
Edwards.	Stiernberg.
Fields.	Storey.
Gipson.	Teer.
Hardin of Erath.	Thompson.
Jennings.	Thrasher.
Laird.	Turner.
Lane.	Wallace.
Looney.	Wessels.
McBride.	Young.

## Present—Not Voting

Mr. Speaker.

## Absent.

Carter of Coke.	Hull.
Chitwood.	Johnson.
Davenport.	Lackey.
Dielmann.	Lamb.
Dinkle.	LeSturgeon.
Dunn.	Loftin.
Finlay.	McFarlane.
Frnka.	McKean.
Fugler.	Merritt.
Hardin	Pope.
of Kaufman.	Purl.
Harrington.	Shearer.
Henderson	Strickland.
of McLennan.	Sweet.
Hendricks.	Vaughan.
Houston.	Wells.
Hughes.	Williamson.

## Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Wilson.
Lewis.	

Question then recurring on the amendment by Mr. Abney to the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—44.

Abney.	Martin.
Amsler.	Mathes.
Arnold.	Maxwell.
Avis.	Melson.
Baldwin.	Miller.
Beasley.	Pate.
Bell.	Patterson.
Bird.	Rogers.
Bryant.	Rowland.
Cable.	Russell
Carter of Hays.	of Callahan.
Coffee.	Sackett.
Covey.	Satterwhite.
Cowen.	Simpson.
Crawford.	Stewart
Davis.	of Edwards.
Downs.	Stewart of Jasper.
Driggers.	Storey.
Duffey.	Thompson.
Edwards.	Turner.
Hardin of Erath.	Wilmans.
Laird.	Winfree.
McBride.	Young.

## Nays—59.

Atkinson.	Jacks.
Baker of Milam.	Jennings.
Baker of Orange.	Kemble.
Barker.	Lane.
Barrett.	LeMaster.
Bobbitt.	Looney.
Bonham.	McDaniel.
Burmeister.	McNatt.
Carpenter	Montgomery.
of Dallas.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Morgan
Collins.	of Robertson.
DeBerry.	Patman.
Dodd.	Perdue.
Dunlap.	Pool.
Durham.	Potter.
Fields.	Price.
Gipson.	Quaid.
Green.	Rice.
Greer.	Robinson.
Harris.	Russell of Trinity.
Henderson	Sanford.
of Marion.	Shires.
Irwin.	Smith.

Sparkman.	Teer.
Stell.	Thrasher.
Stevens.	Wallace.
Stewart of Reeves.	Wells.
Stiernberg.	Westbrook.
Stroder.	Wessels.
Sweet.	

## Present—Not Voting.

Mr. Speaker.	Quinn.
--------------	--------

## Absent.

Carter of Coke.	Hull.
Chitwood.	Johnson.
Culp.	Lackey.
Davenport.	Lamb.
Dielmann.	LeStourgeon.
Dinkle.	Loftin.
Dunn.	McDonald.
Finlay.	McFarlane.
Frnka.	McKean.
Fugler.	Merritt.
Hardin	Pinkston.
of Kaufman.	Pope.
Harrington.	Purl.
Henderson	Shearer.
of McLennan.	Strickland.
Hendricks.	Vaughan.
Houston.	Williamson.
Hughes.	

## Absent—Excused.

Blount.	Lewis.
Faubion.	Lusk.
Howeth.	Merriman.
Jones.	Wilson.

Mr. Satterwhite moved to table the amendment by Mr. Pope.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—41.

Baker of Milam.	McBride.
Barker.	Mathes.
Barrett.	Maxwell.
Beasley.	Melson.
Bell.	Moore.
Bryant.	Patterson.
Cable.	Perdue.
Carpenter	Price.
of Matagorda.	Robinson.
Carter of Hays.	Rowland.
Culp.	Russell of Trinity.
DeBerry.	Sackett.
Dinkle.	Sanford.
Driggers.	Satterwhite.
Duffey.	Sparkman.
Durham.	Stewart
Edwards.	of Edwards.
Green.	Stewart of Reeves.
Harris.	Sweet.
Henderson	Thrasher.
of Marion.	Wallace.
Lane.	Young.



## Nays—65.

Abney.	McDaniel.
Amsler.	McNatt.
Arnold.	Martin.
Atkinson.	Miller.
Avis.	Montgomery.
Baker of Orange.	Morgan
Baldwin.	of Liberty.
Bird.	Pate.
Bobbitt.	Patman.
Bonham.	Pool.
Burmeister.	Pope.
Carpenter	Potter.
of Dallas.	Quaid.
Carson.	Quinn.
Coffee.	Rice.
Covey.	Rogers.
Cowen.	Russell
Crawford.	of Callahan.
Davis.	Shires.
Dodd.	Smith.
Downs.	Stell.
Dunlap.	Stevens.
Fields.	Stewart of Jasper.
Gipson.	Stiernberg.
Greer.	Storey.
Hardin of Erath.	Stroder.
Henderson	Teer.
of McLennan.	Turner.
Irwin.	Wells.
Jacks.	Westbrook.
Jennings.	Wessels.
Kemble.	Williamson.
Laird.	Wilmans.
LeMaster.	Winfree.
Looney.	

Present—Not Voting.

Mr. Speaker.

## Absent.

Carter of Coke.	Johnson.
Chitwood.	Lackey.
Collins.	Lamb.
Dielmann.	LeStourgeon.
Dunn.	Loftin.
Finlay.	McDonald.
Frnka.	McFarlane.
Fugler.	McKean.
Hardin	Merritt.
of Kaufman.	Morgan
Harrington.	of Robertson.
Hendricks.	Purl.
Houston.	Strickland.
Hughes.	Thompson.
Hull.	Vaughan.

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	Wilson.

## Paired.

Mr. Simpson (present), who would vote "yea," with Mr. Davenport (absent, who would vote "nay.")

Question then recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—64.

Abney.	McDaniel.
Amsler.	McDonald.
Arnold.	McNatt.
Atkinson.	Martin.
Avis.	Miller.
Baker of Orange.	Montgomery.
Baldwin.	Morgan
Bobbitt.	of Liberty.
Bonham.	Pate.
Burmeister.	Patman.
Carpenter	Pool.
of Dallas.	Pope.
Carson.	Potter.
Coffee.	Quaid.
Covey.	Quinn.
Cowen.	Rice.
Crawford.	Rogers.
Davis.	Rowland.
Dodd.	Russell
Downs.	of Callahan.
Dunlap.	Shires.
Fields.	Smith.
Gipson.	Stell.
Greer.	Stevens.
Henderson	Stewart of Jasper.
of McLennan.	Storey.
Irwin.	Stroder.
Jacks.	Teer.
Jennings.	Thompson.
Kemble.	Thrasher.
Lane.	Turner.
LeMaster.	Wells.
Looney.	Williamson.
McBride.	Winfree.

## Nays—43.

Baker of Milam.	Edwards.
Barker.	Green.
Barrett.	Hardin of Erath.
Beasley.	Harris.
Bell.	Henderson
Bryant.	of Marion.
Cable.	Laird.
Carpenter	Mathes.
of Matagorda.	Maxwell.
Carter of Hays.	Melson.
Culp.	Moore.
DeBerry.	Morgan
Dinkle.	of Robertson.
Driggers.	Patterson.
Duffey.	Perdue.
Durham.	Price.

Robinson.	Stiernberg.
Sackett.	Sweet.
Sanford.	Wallace.
Satterwhite.	Westbrook.
Sparkman.	Wessels.
Stewart	Wilmans.
of Edwards.	Young.
Stewart of Reeves.	

Present—Not Voting.

Bird.

Absent.

Carter of Coke.	Johnson.
Chitwood.	Lackey.
Collins.	Lamb.
Dielmann.	LeStourgeon.
Dunn.	Lewis.
Finlay.	Loftin.
Frnka.	McFarlane.
Fugler.	McKean.
Hardin	Merritt.
of Kaufman.	Pinkston.
Harrington.	Purl.
Hendricks.	Russell of Trinity.
Houston.	Shearer.
Hughes.	Strickland.
Hull.	Vaughan.

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Wilson.
Jones.	

Paired.

Mr. Simpson (present), who would vote "nay," with Mr. Davenport (absent), who would vote "yea."

Mr. Pope moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Abney offered the following amendment to the bill:

Amend House bill No. 32 as follows: Add to Section 4 the following: "Provided, that persons, firms, co-partnerships, corporations, companies or associations subject to the provisions of this act, having paid to the State of Texas any State ad valorem taxes accruing during any current year for which income taxes are assessed, shall receive credit upon their income tax assessed during said year for the amount of such ad valorem taxes paid, and the tax collector shall deduct from the amount assessed against each income tax payer the amount of ad valorem taxes paid by which such tax payer to the State of Texas for the current year for which the income tax is assessed."

Signed—Abney, Wallace.

Mr. Burmeister raised a point of order on consideration of the amendment on the ground that the amendment changes an amendment already adopted by the House.

The Speaker overruled the point of order.

Mr. Potter moved the previous question on the pending amendment and the bill and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—80.

Abney.	McNatt.
Arnold.	Martin.
Avis.	Mathes.
Baker of Milam.	Maxwell.
Baker of Orange.	Miller.
Barrett.	Montgomery.
Beasley.	Moore.
Bell.	Morgan
Bird.	of Robertson.
Bobbitt.	Pate.
Bryant.	Patman.
Burmeister.	Patterson.
Cable.	Potter.
Carpenter	Price.
of Dallas.	Quaid.
Carpenter	Quinn.
of Matagorda.	Rice.
Covey.	Robinson.
Crawford.	Rogers.
Culp.	Rowland.
Davis.	Russell
DeBerry.	of Callahan.
Dinkle.	Russell of Trinity.
Dodd.	Sanford.
Downs.	Satterwhite.
Dunlap.	Smith.
Durham.	Sparkman.
Edwards.	Stell.
Green.	Stewart
Hardin of Erath.	of Edwards.
Harris.	Stewart of Reeves.
Henderson	Stiernberg.
of Marion.	Storey.
Henderson	Sweet.
of McLennan.	Teer.
Irwin.	Thompson.
Jacks.	Thrasher.
Jennings.	Turner.
Kemble.	Wallace.
Laird.	Wells.
Lane.	Williamson.
LeMaster.	Wilson.
McBride.	Winfree.
McDaniel.	Young.
McDonald.	

Nays—24.

Amsler.	Baldwin.
Atkinson.	Barker.

Bonham.	Perdue.
Carson.	Pool.
Carter of Hays.	Pope.
Cowen.	Sackett.
Duffey.	Shires.
Gipson.	Simpson.
Greer.	Stevens.
Looney.	Stewart of Jasper.
Melson.	Stroder.
Morgan	Westbrook.
of Liberty.	Wessels.

Present—Not Voting.

Mr. Speaker.

Absent.

Carter of Coke.	Houston.
Chitwood.	Hughes.
Coffee.	Hull.
Collins.	Johnson.
Davenport.	Lackey.
Dielmann.	Lamb.
Driggers.	LeStourgeon.
Dunn.	Loftin.
Fields.	McFarlane.
Finlay.	McKean.
Frnka.	Merritt.
Fugler.	Purl.
Hardin	Strickland.
of Kaufman.	Vaughan.
Harrington.	Wilmans.
Hendricks.	

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 32 by striking out all above the enacting clause and insert the following: "A bill to be entitled 'An Act providing for the levy and collection of income taxes, upon individuals, firms, co-partnerships, corporations, joint stock companies and associations residing or doing business within the State of Texas, and upon non-residents having income from property located in or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; providing for income tax collections, and declaring an emergency.'"

The amendment was adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 32 was then passed to engrossment by the following vote:

Yeas—56.

Mr. Speaker.	Mathes.
Abney.	Maxwell.
Amsler.	Melson.
Baldwin.	Patman.
Barrett.	Perdue.
Beasley.	Pool.
Bell.	Pope.
Bobbitt.	Price.
Bonham.	Quinn.
Bryant.	Rice.
Cable.	Robinson.
Carpenter	Rogers.
of Matagorda.	Rowland.
Carter of Hays.	Sackett.
Crawford.	Sanford.
Davis.	Sparkman.
DeBerry.	Stell.
Dinkle.	Stevens.
Dodd.	Stewart
Downs.	of Edwards.
Driggers.	Stewart of Jasper.
Durham.	Stewart of Reeves.
Edwards.	Stroder.
Greer.	Sweet.
Laird.	Teer.
Lane.	Thompson.
McDonald.	Turner.
Martin.	Wells.

Nays—51.

Arnold.	McBride.
Atkinson.	McDaniel.
Avis.	McNatt.
Baker of Milam.	Miller.
Baker of Orange.	Montgomery.
Barker.	Moore.
Bird.	Morgan
Burmeister.	of Liberty.
Carpenter	Pate.
of Dallas.	Patterson.
Carson.	Potter.
Covey.	Quaid.
Cowen.	Russell
Culp.	of Callahan.
Duffey.	Russell of Trinity.
Fields.	Satterwhite.
Gipson.	Shires.
Green.	Smith.
Hardin of Erath.	Stiernberg.
Harris.	Storey.
Henderson	Thrasher.
of Marion.	Wallace.
Henderson	Westbrook.
of McLennan.	Wessels.
Irwin.	Williamson.
Jacks.	Wilmans.
Jennings.	Wilson.
Kemble.	Winfree.
LeMaster.	Young.
Looney.	

Present—Not Voting.

Dunlap.	Morgan
	of Robertson.

## Absent.

Carter of Coke.	Hughes.
Chitwood.	Hull.
Coffee.	Johnson.
Collins.	Lackey.
Dielmann.	Lamb.
Dunn.	LeSturgeon.
Finlay.	Loftin.
Frnka.	McFarlane.
Fugler.	McKean.
Hardin	Merritt.
of Kaufman.	Purl.
Harrington.	Strickland.
Hendricks.	Vaughan.
Houston.	

## Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	

## Paired.

Mr. Simpson (present), who would vote "yea," with Mr. Davenport (absent), who would vote "nay."

Mr. Abney moved to reconsider the vote by which the bill passed to engrossment and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—60.

Abney.	Edwards.
Amsler.	Henderson
Arnold.	of McLennan.
Avis.	Kemble.
Baldwin.	Laird.
Barker.	Lane.
Barrett.	McBride.
Beasley.	McDonald.
Bell.	Martin.
Bird.	Mathes.
Bobbitt.	Maxwell.
Bonham.	Morgan
Bryant.	of Liberty.
Burmeister.	Morgan
Carpenter	of Robertson.
of Dallas.	Pate.
Carpenter	Pool.
of Matagorda.	Pope.
Carter of Coke.	Price.
Cowen.	Quinn.
Davis.	Rice.
DeBerry.	Robinson.
Dinkle.	Rogers.
Dodd.	Rowland.
Downs.	Sackett.
Driggers.	Sanford.
Durham.	Simpson.

Sparkman.	Storey.
Stevens.	Stroder.
Stewart	Sweet.
of Edwards.	Teer.
Stewart of Jasper.	Thompson.
Stewart of Reeves.	Turner.

## Nays—42.

Atkinson.	Miller.
Baker of Milam.	Moore.
Baker of Orange.	Patterson.
Cable.	Perdue.
Carson.	Potter.
Covey.	Quaid.
Culp.	Russell
Duffey.	of Callahan.
Fields.	Russell of Trinity.
Green.	Satterwhite.
Greer.	Shires.
Hardin of Erath.	Smith.
Harris.	Stell.
Henderson	Stiernberg.
of Marion.	Thrasher.
Irwin.	Wallace.
Jacks.	Wells.
Jennings.	Westbrook.
LeMaster.	Wessels.
Looney.	Williamson.
McDaniel.	Young.
McNatt.	

## Present—Not Voting.

Mr. Speaker.	Wilmans.
--------------	----------

## Absent.

Carter of Hays.	Hughes.
Chitwood.	Hull.
Collins.	Johnson.
Crawford.	Lackey.
Davenport.	Lamb.
Dielmann.	Loftin.
Dunlap.	McFarlane.
Dunn.	McKean.
Finlay.	Melson.
Frnka.	Merritt.
Fugler.	Montgomery.
Gipson.	Patman.
Hardin	Purl.
of Kaufman.	Strickland.
Harrington.	Vaughan.
Hendricks.	Winfree.
Houston.	

## Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	Wilson.

## Paired.

Mr. Coffee (present), who would vote "yea," with Mr. LeSturgeon (absent), who would vote "nay."

## MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindale, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,  
Austin, Texas, May 5, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: It was not my intention to submit any other matters to you for consideration, but I find I have overlooked sending up in my last message two or three items that I had promised to submit.

I will, therefore, submit to you legislation in regard to the powers and duties of the State Board of Education, with reference to the purchase of bonds for the account of the State Permanent School Fund, which will require an amendment to Article 2740 of the Revised Civil Statutes; an act prescribing the qualifications of the persons holding the office of county superintendent of public instruction, and for the filling of vacancies in said office; amending the laws harmonizing and reconciling discriminations of non-resident guardians as to bond required and the validity of appointments of non-resident guardians; limiting and regulating persons to whom the railroads of the State are privileged to grant free transportation.

Respectfully submitted,  
PAT M. NEFF,  
Governor.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 5, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 38, A bill to be entitled "An Act extending oil and gas permits on lands which are now or have been in the possession or under the control of the Federal receiver appointed by the Supreme Court of the United States for such periods of time respectively as such lands have been or may be in such receiver's possession or under his control, and declaring an emergency."

S. B. No. 52, A bill to be entitled "An Act amending acts of the Thirty-

seventh Legislature, First Called Session, Chapter 13, and providing for the reorganization of the Seventy-second Judicial District of Texas, fixing the times and terms of the district courts in the several counties thereof, and naming them; providing that process, bonds and recognizances made and grand and petit juries drawn, before this act takes effect, shall be valid for and returnable to the terms as herein set forth; attaching the unorganized county of Cochran to Hockley county for judicial and all other purposes; fixing the time of taking effect of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act to amend Section 5, Chapter 87, of the Acts of the Thirty-fifth Legislature of the State of Texas, by providing for ordering of elections by the commissioners court for the organization of water improvement districts; providing the questions to be submitted at such election; and to amend Section 7, Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas, providing for the manner of conducting elections provided for in said Chapter 87; providing the qualifications for voters at such elections; prescribing the duties of the commissioners court in canvassing the returns of such vote; the creation of water improvement districts; providing for the division of the proposed district into one or more election precincts; and providing polling places in such voting precincts; the appointment of judges and clerks to hold such election; providing a method of filling places on said election board; providing for printing of ballots and the matter to be contained thereon; and amending Section 9 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas, by providing for returns to be made by the officers of such election; the canvass and return showing the results of such election; the establishment of districts and making records thereof; the issuance of notes of said district for the purpose of defraying expenses of the organization, investigation, engineering, issuance of bonds, making and filing of maps and reports, all legal ex-

penses connected therewith and all other costs and expenses authorized and made necessary by the provisions of this law; to sell said notes and for the levy and collection of taxes to provide for their payment; and to canvass votes for the directors; and declaring of result; and to amend Section 57, Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas as amended by Chapter 28 of the Acts of the Thirty-sixth Legislature, Second Called Session, providing for the issuance of bonds; and execution of contracts with United States government; providing for the issuance of bonds sufficient to pay the first three years' interest accruing on the bond issue authorized; and exempting the property situated in the district from taxes for that period except in an amount sufficient to pay the notes provided for in Section 3 of this amendment; providing for the limitation of the amount of bonds to be issued by the district organized under Article 52, Section 3, of the Constitution; and exempting districts organized under Section 59, Article 16, of the Constitution from such limitation; providing for the issuance of bonds for supplemental contracts with the United States; and the purchase of additional improvements where the same is found necessary by the directors; and the issuance of notices for elections to be held to authorize issuance of such additional bonds, or the making of such supplemental contracts; providing for the issuance of bonds or notes to run not to exceed twenty years for the purpose of repairing damages where such damages have occurred; and providing for elections and notices of election where such supplemental bond issues are made; limiting amount of notes to be issued; and providing for the payment of interest thereon to create a sinking fund with which to pay said notes at maturity, and declaring an emergency."

S. B. No. 56, A bill to be entitled "An Act to amend an act entitled 'An Act creating and incorporating the Humble Independent School District in Harris county out of the territory now composing Common School District No. 50 of said county; providing that the title of the school property vested in Common School District No. 50 shall vest in said Humble Independent School District and that said independent school district assume the debts of said Common School District No. 50; providing for a board of trustees of said Humble

Independent School District; providing the time and manner of their election; defining their powers and duties, and declaring an emergency,' approved February 18, 1919, said act as amended creating the Humble Independent School District and defining its boundaries; providing for the annexing of additional territory and the manner of annexing same; providing for the creation of a board of trustees of said independent school district, and defining their qualifications, powers and duties; providing that the members of the board of trustees of the Humble Independent School District as at present constituted shall continue in office, and defining their powers and duties; vesting in the board of trustees corporate powers and giving said independent school district, through its trustees, the power to make contracts, to be a party to actions in court; authorizing the trustees of said independent school district to receive gifts, grants, conveyances, donations, legacies, and devices for the use of the public free schools in said independent school district; authorizing the trustees of said independent school district to borrow money for school purposes and secure the same, and limiting the amount that may be borrowed; providing for filling vacancies on said board of trustees, for the administration of oaths or affirmations by the president and secretary; providing for a seal and its use; conferring upon said board of trustees plenary powers; providing for the election of trustees, the manner and time of holding said election, and prescribing the tenure of office of said trustees; providing for a board of equalization and prescribing the duties and powers of said board of equalization; providing for the removal of members of the board of trustees for misconduct; providing for the keeping of a record of the proceeds of said board of trustees for public inspection; providing for an audit of the books and accounts of said board of trustees and its publication; authorizing said board of trustees to levy and collect taxes, and regulating the same; providing for tax elections, the time and notice of same; providing when taxes levied and assessed under this act shall be due and payable; providing when the available school fund heretofore or hereafter apportioned to the schools within said district shall be paid; vesting title to property within said district, including any and all funds on hand belonging to the public

schools within said district in the board of trustees; providing that the Attorney General of the State shall certify to the validity of bonds authorized by this act; providing for the assumption of debts of Common School District No. 50, and of the Humble Independent School District created by Chapter 13 of the Special Laws of the Thirty-sixth Legislature; validating the official acts and proceedings of the board of trustees of the Humble Independent School District created by Chapter 13 of the Special Laws of the Thirty-sixth Legislature; providing that this act shall be a public act of which the courts shall take judicial notice; vesting in said board of trustees all powers, and charging it with all the duties imposed by the general laws now in force or hereafter enacted governing independent school districts; providing that the independent school district created by this act shall succeed to the independent school district created by Chapter 13 of the Special Laws of the Thirty-sixth Legislature, and to all legal and valid obligations of said district or board thereof, and providing for the payment of said obligations; repealing all laws in conflict herewith, and providing that the invalidity of any portion hereof shall not impair the remainder of the act, and declaring an emergency."

S. B. No. 57, A bill to be entitled "An Act to extend for a period of five years from the passage of this act, oil and gas permit No. 2609, issued June 11, 1918, in San Jacinto Bay, Harris county, Texas, said extension to be upon the same terms and conditions on which the original permit was issued, except that the owners who may desire to take advantage of this act shall pay into the General Land Office within thirty days after the taking effect of this act twenty-five cents per acre within the permit, and fifty cents per acre within one year thereafter, and annually thereafter the sum of one dollar per acre so long as they may desire to hold same, or until oil or gas shall have been developed in paying quantities and a lease obtained therefor; providing for forfeiture, and declaring an emergency."

S. B. No. 67, A bill to be entitled "An Act amending Section 9 of Chapter 31, Local and Special Laws of the State of Texas, passed at the First Called Session of the Thirty-seventh Legislature, by changing and increasing the rate of interest which the coupon bonds of the New Home Independent School

District of Crosby county, Texas, issued for building purposes and for equipping said buildings, may bear; by providing that the trustees of said district shall have power to levy and collect a tax of not exceeding fifty cents on the one hundred dollars of taxable property within said district for the purpose of erecting, constructing, repairing and equipping, or either, of public free school buildings within the limits of said district and of purchasing sites therefor; validating a bond issue of \$8000 heretofore voted in said district and validating all proceedings in connection with such bond election, and declaring an emergency."

S. B. No. 68, A bill to be entitled "An Act creating and incorporating Pansy Independent School District in Crosby county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that the Pansy Independent School District shall assume and discharge all valid outstanding bonds, obligations and indebtedness of Pansy Common School District No. 15, in Crosby county; validating and continuing in force all taxes heretofore voted and now in force in said Common School District No. 15; providing that title to all property now vested in Pansy Common School District No. 15 shall, in the passage of the act vest in Pansy Independent School District as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the general laws of Texas relating to independent school districts in matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the court of any provision of this act shall not invalidate any remaining portion or provision, and declaring an emergency."

S. J. R. No. 3, Relating to the celebrating of the centennial of the battle of San Jacinto and of the independence of Texas in Houston, Texas.

Respectfully,

RICHARD BLALOCK,  
Assistant Secretary of the Senate.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 5, 1923.

Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to  
inform the House that the Senate has  
passed

S. B. No. 45, A bill to be entitled  
"An Act regulating motor trucks and  
jitney lines operating for hire on pub-  
lic roads and authorizing street, subur-  
ban and interurban railway companies  
to operate motor trucks or jitney lines  
for transportation of passengers for  
hire in incorporated cities and towns  
subject to regulation by such cities or  
towns and within five miles thereof un-  
der regulation by commissioners court  
of the county, and declaring an emer-  
gency."

Respectfully,  
W. V. HOWERTON,  
Secretary of the Senate.

HOUSE BILL NO. 32 ON THIRD  
READING.

Mr. Gipson moved that the constitu-  
tional rule requiring bills to be read  
on three several days be suspended and  
that House bill No. 32 be placed on its  
third reading and final passage.

The motion prevailed by the following  
vote:

Yeas—86.

Mr. Speaker.	DeBerry.
Abney.	Dinkle.
Amsler.	Dodd.
Arnold.	Downs.
Avis.	Driggers.
Barker.	Durham.
Barrett.	Edwards.
Beasley.	Gipson.
Bell.	Greer.
Bobbitt.	Hardin of Erath.
Bonham.	Irwin.
Bryant.	Jennings.
Burmeister.	Kemble.
Cable.	Lane.
Carpenter	LeMaster.
of Dallas.	McBride.
Carpenter	McDonald.
of Matagorda.	McNatt.
Carson.	Martin.
Carter of Coke.	Mathes.
Coffee.	Maxwell.
Covey.	Melson.
Cowen.	Montgomery.
Crawford.	Morgan
Culp.	of Liberty.
Davis.	

Morgan	Simpson.
of Robertson.	Sparkman.
Pate.	Stell.
Patman.	Stevens.
Patterson.	Stewart of Jasper.
Perdue.	Stewart of Reeves.
Pool.	Stiernberg.
Pope.	Storey.
Potter.	Stroder.
Price.	Sweet.
Quaid.	Teer.
Quinn.	Thompson.
Rice.	Thrasher.
Robinson.	Turner.
Rogers.	Wells.
Rowland.	Westbrook.
Russell of Trinity.	Wilmans.
Sackett.	Winfree.
Sanford.	Young.
Satterwhite.	

Nays—16.

Atkinson.	Henderson
Baker of Milam.	of McLennan.
Baker of Orange.	Jacks.
Bird.	Looney.
Duffey.	McDaniel.
Fields.	Miller.
Green.	Russell
Henderson	of Callahan.
of Marion.	Shires.
	Wallace.

Present—Not Voting.

Harris.

Absent.

Baldwin.	Johnson.
Carter of Hays.	Lackey.
Chitwood.	Laird.
Collins.	Lamb.
Davenport.	LeStourgeon.
Dielmann.	Loftin.
Dunlap.	McFarlane.
Dunn.	McKean.
Finlay.	Merritt.
Frnka.	Moore.
Fugler.	Purl.
Hardin	Smith.
of Kaufman.	Stewart
Harrington.	of Edwards.
Hendricks.	Strickland.
Houston.	Vaughan.
Hughes.	Wessels.
Hull.	Williamson.

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	Wilson.

\*The Speaker then laid House bill No.  
32 before the House on its third reading  
and final passage.



The bill was read third time.

Mr. Green moved that the House adjourn until 10 o'clock a. m. next Monday, and the motion was lost.

Question recurring on the final passage of the bill, yeas and nays were demanded.

House bill No. 32 then failed to pass by the following vote:

Yeas—45.

Mr. Speaker.	Mathes.
Abney.	Maxwell.
Amsler.	Melson.
Arnold.	Morgan
Baldwin.	of Liberty.
Barrett.	Patman.
Bell.	Pool.
Bobbitt.	Pope.
Bryant.	Price.
Cable.	Quinn.
Cowen.	Rice.
Crawford.	Robinson.
Davis.	Rogers.
Dinkle.	Rowland.
Dodd.	Sackett.
Downs.	Sanford.
Driggers.	Sparkman.
Dunlap.	Stell.
Durham.	Stevens.
Edwards.	Stewart of Jasper.
Gipson.	Stewart of Reeves.
Greer.	Stroder.
Laird.	Sweet.
McBride.	Thompson.
Martin.	Turner.

Nays—55.

Atkinson.	Kemble.
Avis.	Lane.
Baker of Milam.	LeMaster.
Baker of Orange.	Looney.
Barker.	McDaniel.
Beasley.	McNatt.
Bird.	Miller.
Bonham.	Montgomery.
Burmeister.	Moore.
Carpenter	Morgan
of Dallas.	of Robertson.
Carpenter	Pate.
of Matagorda.	Patterson.
Carson.	Perdue.
Covey.	Potter.
Culp.	Quaid.
DeBerry.	Russell
Duffey.	of Callahan.
Fields.	Russell of Trinity.
Green.	Satterwhite.
Hardin of Erath.	Shires.
Harris.	Stiernberg.
Henderson	Storey.
of Marion.	Teer.
Irwin.	Thrasher.
Jacks.	Wallace.
Jennings.	Wells.

Westbrook.  
Wessels.  
Williamson.

Wilmans.  
Winfree.  
Young.

Absent.

Carter of Coke.	Hughes.
Carter of Hays.	Hull.
Chitwood.	Johnson.
Collins.	Lackey.
Dielmann.	Lamb.
Dunn.	Loftin.
Finlay.	McDonald.
Frnka.	McFarlane.
Fugler.	McKean.
Hardin	Merritt.
of Kaufman.	Purl.
Harrington.	Smith.
Henderson	Stewart
of McLennan.	of Edwards.
Hendricks.	Strickland.
Houston.	Vaughan.

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Howeth.	Pinkston.
Jones.	Shearer.
Lewis.	Wilson.

Paired.

Mr. Coffee (present), who would vote "yea," with Mr. LeSturgeon (absent), who would vote "nay."

Mr. Simpson (present), who would vote "yea," with Mr. Davenport (absent), who would vote "nay."

Mr. Quaid moved to reconsider the vote by which the bill failed to pass and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—48.

Arnold.	Henderson
Atkinson.	of Marion.
Baker of Milam.	Jacks.
Baker of Orange.	Jennings.
Bird.	Kemble.
Bobbitt.	Lane.
Burmeister.	LeMaster.
Carpenter	McDaniel.
of Dallas.	McNatt.
Carpenter	Miller.
of Matagorda.	Montgomery.
Covey.	Moore.
Culp.	Pate.
DeBerry.	Patterson.
Driggers.	Perdue.
Duffey.	Pool.
Green.	Potter.

Quaid.	Teer.
Rogers.	Thrasher.
Russell	Wallace.
of Callahan.	Wells.
Russell of Trinity.	Wessels.
Satterwhite.	Williamson.
Shires.	Wilmans.
Stiernberg.	Winfree.
Storey.	Young.

## Nays—52.

Mr. Speaker.	Martin.
Abney.	Mathes.
Amsler.	Maxwell.
Avis.	Melson.
Baldwin.	Morgan
Barker.	of Liberty.
Barrett.	Morgan
Beasley.	of Robertson.
Bell.	Patman.
Bonham.	Pope.
Bryant.	Price.
Cable.	Quinn.
Carson.	Rice.
Cowen.	Robinson.
Crawford.	Rowland.
Davis.	Sackett.
Dinkle.	Sanford.
Dodd.	Simpson.
Downs.	Sparkman.
Dunlap.	Stell.
Durham.	Stevens.
Edwards.	Stewart of Jasper.
Gipson.	Stewart of Reeves.
Greer.	Stroder.
Hardin of Erath.	Sweet.
Irwin.	Thompson.
Laird.	Turner.
Looney.	Westbrook.
McBride.	

## Present—Not Voting.

Harris.

## Absent.

Carter of Coke.	Houston.
Carter of Hays.	Hughes.
Chitwood.	Hull.
Collins.	Johnson.
Davenport.	Lackey.
Dielmann.	Lamb.
Dunn.	Loftin.
Fields.	McDonald.
Finlay.	McFarlane.
Frnka.	McKean.
Fugler.	Merritt.
Hardin	Purl.
of Kaufman.	Smith.
Harrington.	Stewart
Henderson	of Edwards.
of McLennan.	Strickland.
Hendricks.	Vaughan.

## Absent—Excused.

Blount.

Faubion.

Howeth.	Merriman.
Jones.	Pinkston.
Lewis.	Shearer.
Lusk.	Wilson.

## Paired.

Mr. Coffee (present), who would vote "nay," with Mr. LeSturgeon (absent), who would vote "yea."

## RELATING TO TEXT BOOK CONTRACT.

Mr. Baldwin offered the following resolution:

Whereas, The joint legislative committee appointed in pursuance of H. C. R. No. 4, adopted at the Regular Session of the Thirty-eighth Legislature to make investigation into the matter of awarding of text book contracts in December, 1922, by the Texas State Text Book Commission, did, on the fourth day of May, 1923, officially file report of this investigation, wherein it made recommendations to the Legislature with reference to said text book contracts, which recommendations are as follows, to wit:

1. That each and all officials of the State of Texas who are charged under the law in any manner with the duty of carrying into effect any of said alleged contracts, or with paying out or authorizing to be paid out any public moneys under or by virtue of said alleged contracts, should steadfastly refuse to take any action or do anything whatsoever toward recognizing or enforcing the same or admitting their validity, or paying out or authorizing to be paid out any public moneys thereunder.

2. That the Attorney General of Texas in all ways within his power and by any and all means at his command, shall uphold and defend any and all such officials in their failure or refusal to recognize or admit the validity or binding effect of said alleged contracts, or to take any action or do anything by virtue thereof, and in failing or refusing to pay out or authorizing to be paid out any public moneys thereunder.

3. That the Attorney General be directed to take such action, in or out of court, and institute and defend such suits, sue out such injunctions and other writs and things as in his judgment shall be best calculated to prevent carrying into execution by any official any of said alleged contracts, or any provision thereof, or the paying out of any public moneys thereunder, to the end that the

State of Texas may be relieved of and from any responsibility or liability under any of such alleged contracts.

4. That the Attorney General of Texas be requested to advise the Legislature at once of his attitude in the premises, so that in the event he should not for any reason be able to comply with the direction of the Legislature, there shall be ample time remaining at the present Called Session for the Legislature to consider and determine upon ways and means of accomplishing the objects and purposes of these recommendations in the interest of the people of Texas;

Whereas, The report of said joint committee, including the foregoing recommendations, was duly adopted by the House of Representatives of the State of Texas on the 4th day of May, A. D. 1923; now, therefore, be it

Resolved by the House of Representatives of Texas, That each and every person holding official position in Texas who is in any manner charged with the duty of administering the Texas State text book law, or whose duty it is in any manner to carry into effect the provisions of any of the contracts for text books made by the Texas State Text Book Commission in December, 1922, and any and all officials whose duty it is or may become to pay out, or authorize to be paid out, any moneys under and by virtue of said mentioned contracts, be and they are hereby instructed and directed to take official notice of the report made by said joint legislative text book investigating committee, and of the recommendations made by the said committee and set forth in this resolution, and that they be and are hereby instructed to comply with said recommendations in the interests of the people of Texas.

That the Chief Clerk of the House of Representatives be, and he is hereby instructed to make certified copies of this resolution, and to deliver an official copy hereof to the Governor of Texas, the Attorney General, the Superintendent of Public Instruction, the State Treasurer, and the Comptroller.

That the Attorney General be, and he is hereby requested to advise the House of Representatives officially, as soon as possible, what his attitude will be with reference to compliance with the recommendations of said committee as adopted by the House of Representatives, to the end that should he for any reason be unable to comply with

said recommendations and this resolution, there shall be ample time remaining at the present Called Session of the Legislature for the House of Representatives to consider and determine upon ways and means of carrying into effect the recommendations of said joint committee.

Signed—Baldwin, Laird.

The resolution was read second time.

Mr. Price moved that further consideration of the resolution be postponed until 10 o'clock a. m. next Monday.

The motion prevailed.

#### NOTICE GIVEN.

Mr. Pope gave notice that he would on next Monday call up for consideration at that time the motion to reconsider the vote by which House bill No. 32 failed to pass.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 38, to the Committee on Oil, Gas and Mining.

Senate bill No. 45, to the Committee on Roads, Bridges and Ferries.

Senate bill No. 52, to the Committee on Judicial Districts.

Senate bill No. 55, to the Committee on Conservation and Reclamation.

Senate bill No. 56, to the Committee on School Districts.

Senate bill No. 57, to the Committee on Oil, Gas and Mining.

Senate bill No. 67, to the Committee on School Districts.

Senate bill No. 68, to the Committee on School Districts.

#### RELATING TO LOCAL BILLS.

On motion of Mr. Stewart of Reeves, by unanimous consent, the House agreed to set all local bills as a special order for 7:30 o'clock p. m. next Monday.

#### BILL ORDERED PRINTED IN THE JOURNAL.

On motion of Mr. Rogers, House bill No. 142 was ordered printed in the Journal and not otherwise printed.

#### ADJOURNMENT.

Mr. Burmeister moved that the House recess to 7:30 o'clock p. m. today.

Mr. Barrett moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Wessels moved that the House adjourn until 9 o'clock a. m. Monday.

The motion of Mr. Wessels prevailed, and the House accordingly, at 5:45 o'clock p. m., adjourned until 9 o'clock a. m. next Monday.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills as follows:

Public Health—House bills Nos. 142, 191.

State Affairs—House bills Nos. 146, 86.

Revenue and Taxation—House bills Nos. 210, 55.

Counties—House bill No. 130.

Education—House bill No. 179.

Conservation and Reclamation—House bill No. 164; Senate bill No. 54.

Criminal Jurisprudence—House bill No. 195.

Judiciary—House bill No. 139.

Roads, Bridges and Ferries—House bills Nos. 156, 111.

Appropriations—House bill No. 203.

School Districts—House bills Nos. 87, 151, 180, 176, 178, 144, 188, 137, 172, 147, 136, 135, 133, 132, 161, 150, 165, 157.

Agriculture—House bills Nos. 182, 183, 184.

The following standing committee has today filed unfavorable report on bill as follows:

Education—House bill No. 82.

#### REPORT OF COMMITTEE ON EN-GROSSED BILLS.

Committee Room,  
Austin, Texas, May 5, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 69, A bill to be entitled "An Act extending oil and gas permits on lands which are now or have been in the possession or under the control of the Federal receiver appointed by the Supreme Court of the United States for such periods of time, respectively, as such lands have been or may be in such receiver's possession or under his control, and declaring an emergency,"

And find the same correctly engrossed.  
PRICE, Vice-Chairman.

# In Memory

## of

### Hon. Lee J. Rountree

The Speaker laid before the House for consideration at this time the following resolution:

Whereas, Honorable Lee J. Rountree, a beloved and honored member of this body, was suddenly claimed by death while seated at his desk in this House at 4:55 o'clock p. m., May 2, 1923, following closely the delivery of an eloquent tribute to the ex-Confederate soldier in the acknowledgment of a beautiful bouquet of flowers presented to him by members of Hood's Texas Brigade; and,

Whereas, Colonel Rountree, a native Texan, born in Hays county, in July, 1868; a journalist of renown and ability, having served as President of the National Press Association, and many times honored by the Texas Press Association; served as Chief Clerk of the House of Representatives during the Twenty-fifth, Twenty-sixth and Twenty-seventh Legislatures; a member of the Thirty-seventh and Thirty-eighth Legislatures; a man of vision, a constructionist of the highest type; a true Southern gentleman to the manner born; a true friend and tireless worker for the uplift of the masses; a leader of recognized ability in the State's program of giving to the boys and girls the highest type of educational opportunities; a man widely known and beloved by the citizenship of Texas; therefore, be it,

Resolved, That the members of the House of Representatives extend to the wife of our departed fellow member our most tender and heartfelt sympathies in this hour of grief and sorrow and may she be comforted in the knowledge that her illustrious husband lived a life of usefulness, worthy of the best there is in man; and be it further

Resolved, That a page of the Journal of the House be set apart and dedicated to his memory, and that an enrolled copy of this resolution be sent to Mrs. Rountree at her home in Bryan.

The resolution was read second time, and was adopted by the following vote, each member rising as he cast his vote:

Yeas—103.

Mr. Speaker.	Culp.	McDonald.	Sanford.
Abney.	Davis.	McNatt.	Satterwhite.
Amsler.	DeBerry.	Mathes.	Shires.
Arnold.	Dinkle.	Maxwell.	Simpson.
Atkinson.	Dodd.	Melson.	Smith.
Avis.	Downs.	Miller.	Sparkman.
Baker, O. D.	Driggers.	Montgomery.	Stell.
Baker, O. L.	Duffey.	Moore.	Stevens.
Baldwin.	Dunlap.	Morgan, W. C.	Stewart, L. C.
Barker.	Durham.	Morgan, C. A.	Stewart, W. W.
Barrett.	Edwards.	Pate.	Stiernberg.
Beasley.	Gipson.	Patman.	Storey.
Bell.	Green.	Patterson.	Stroder.
Bird.	Greer.	Perdue.	Sweet.
Bobbitt.	Hardin, C. C.	Pool.	Teer.
Bonham.	Harris.	Pope.	Thompson.
Bryant.	Henderson, P. G.	Price.	Thrasher.
Burmeister.	Irwin.	Quaid.	Turner.
Cable.	Jacks.	Quinn.	Wallace.
Carpenter, L. T.	Jennings.	Rice.	Wells.
Carpenter, W. C.	Laird.	Robinson.	Westbrook.
Carson.	Lane.	Rogers.	Wessels.
Coffee.	LeMaster.	Rowland.	Williamson.
Covey.	Looney.	Russell, B. L.	Wilmans.
Cowen.	McBride.	Russell, F. B.	Winfree.
Crawford.	McDaniel.	Sackett.	Young.

Absent.

Carter, C. E.	Frnka.	Johnson.	Merritt.
Carter, L. L.	Fugler.	Kemble.	Potter.
Chitwood.	Hardin, J. R.	Lackey.	Purl.
Collins.	Harrington.	Lamb.	Stewart, B. J.
Davenport.	Henderson, R. L.	LeStourgeon.	Strickland.
Dielmann.	Hendricks.	Loftin.	Vaughan.
Dunn.	Houston.	McFarlane.	
Fields.	Hughes.	McKean.	
Finlay.	Hull.	Martin.	

Absent—Excused.

Blount.	Jones.	Merriman.	Wilson.
Faubion.	Lewis.	Pinkston.	
Howeth.	Lusk.	Shearer.	



### EULOGY TO HON. LEE J. ROUNTREE

On motion of Mr. Burmeister, it was ordered by unanimous consent of the House that the following eulogy to Hon. Lee J. Rountree be spread on the Journal:

The Honorable Lee J. Rountree, honored citizen, a beloved legislator, and a Christian man, has departed this life and is this day sleeping beneath a wilderness of beautiful flowers. We can truthfully say, that in him there was no fault—on the contrary, there was love and sunshine. He would meet you with a smile and with a cheerful handshake; and with a word of encouragement.

When death comes, what nobler epitaph can any man have than this: "Having served his generation, by the will of God he fell asleep!" Little can the living do for the dead. The voices of praise cannot delight the closed ear, nor the violence of censure vex it. I would desire to speak simply and directly, and, if with generous appreciation, yet with no idle flattery of him whose death has made a State mourn.

His private life, the fault and failings of his character, whatever they may have been, belongs in no sense to the world; I touch only on his public actions and services—the reward of his strength, his magnanimity, his self-control, his generous deeds.

He has not passed on life's highway, the stone that marks the highest point, but, being weary for a moment, he lay down by the wayside, and using his burden for a pillow, fell into that dreamless sleep that kisses down his eyelids still, while yet in love with life and enraptured with the world, he passed to silence and pathetic dust.

He loved the beautiful, and was with color, form and music touched to tears. He sided with the weak, and with a willing hand gave alms; with loyal heart and with purest hands, he faithfully discharged all public trusts.

VIRGIL E. ARNOLD.